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| RECEIVED | THIS AMENDMENT: | | 0000097478 |
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2009 MAY 19 P 2:38

MAYES PROPOSED AMENDMENT # 2

AZ CORP COMMISSION
DOCKET CONTROL

DATE PREPARED: May 19, 2009, 10: 00 a.m.

COMPANY: Union Pacific Railroad Company

AGENDA ITEM NO. U-7

DOCKET NO. RR-03639A-07-0517

OPEN MEETING DATE: May 20, 2009

Page 19, line 12, INSERT: "While Staff and the Railroad testified in this case that a grade-separated crossing at SR 347 is not necessary at this time, Staff also stated definitively that one will be needed in the future. Testimony in this case indicated a significant number of school bus crossings at SR 347, that it is used by school children crossing on foot, that emergency vehicles use the crossing, that the crossing will experience increasingly high traffic counts, that the number and length of the trains passing through the SR 347 crossing will grow, and that trains travel through the SR 347 crossing at high rates of speed, all of which give us ample reason to be concerned about any future failure to implement the grade separated crossing at the time it is required to maintain public safety. The testimony also seems to suggest that planning for the grade-separated crossing has been slow to progress, and that grade separation planning is being hampered by uncertainties surrounding who will fund the crossing alteration and when the funding will be available. The Commission wishes to be clear that we will not tolerate dangerous delays in the construction of a grade separated crossing at SR 347. We believe the question of implementing a grade separated crossing should be returned before this Commission as soon as the need arises. Therefore, we will require that the Railroad file a report in Docket Control annually beginning January 1, 2010, regarding progress on the ADOT Design Concept Report, yearly vehicular traffic counts and traffic count projections at the crossing, and any available information regarding negotiations between the Parties over funding of the grade separated crossing. This report should include the Railroad's opinion regarding the necessity of a grade separated crossing at SR 347 for the prospective year, and should be reviewed by Staff, which should inform the Commission independently when it believes a grade separated crossing is in the public interest."

Page 20, line 16, INSERT: "IT IS FURTHER ORDERED that Union Pacific Railroad Company shall file with the Commission's Docket Control, as a compliance item in this docket, annually beginning January 1, 2010, a report detailing progress on the ADOT Design Concept Report for SR 347, yearly vehicular traffic counts and traffic count projections at the crossing, and any available information regarding negotiations between the Parties over funding of the grade separated crossing. This report should include the Railroad's opinion regarding the necessity of a grade separated crossing at SR 347 for the prospective year, and should be reviewed by Staff, which should inform the Commission independently when it believes a grade separated crossing is in the public interest."

Make all conforming changes as necessary.

Arizona Corporation Commission
DOCKETED

MAY 19 2009

DOCKETED BY 